

Executive Summary – Enforcement Matter – Case No. 49408
The Lubrizol Corporation
RN100221589
Docket No. 2014-1437-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park, 41 Tidal Road, Deer Park, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2014-0971-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 27, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,688

Amount Deferred for Expedited Settlement: \$2,537

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,076

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$5,075

Name of SEP: Barber's Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 11, 2014

Date(s) of NOE(s): August 26, 2014

Executive Summary – Enforcement Matter – Case No. 49408
The Lubrizol Corporation
RN100221589
Docket No. 2014-1437-AIR-E

Violation Information

1. Failed to comply with permitted operating parameters. Specifically, on October 24, 2013, the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 121 minutes due to a plugged column; and on January 15, 2014 the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 11 minutes due to the loss of plant air caused by a failed compressor [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O2191, Special Terms and Conditions ("STC") No. 6, New Source Review ("NSR") Permit No. 22048, Special Conditions ("SC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with permitted operating parameters. Specifically, on January 15, 2014, the exit temperature for the Thermal Oxidizer, Emissions Point Number FI-07, fell below the permitted limit of 1,609.15 degrees Fahrenheit for 11 minutes due to the loss of plant air caused by a failed compressor [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O2191, STC No. 6, NSR Permit No. 22048, SC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 20, 2014, the Respondent removed the plug from the column, cleansed the packing, recharged the scrubber, repaired the Poly Plant compressor, and placed the compressor on a maintenance schedule.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 49408

The Lubrizol Corporation

RN100221589

Docket No. 2014-1437-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Tanya M. Travis, General Manager, The Lubrizol Corporation, P.O. Box
158, Deer Park, Texas 77536

Shannon Burke, Regulatory and Environmental Compliance Specialist, The Lubrizol
Corporation, P.O. Box 158, Deer Park, Texas 77536

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-1437-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Ten Thousand One Hundred Fifty-One Dollars (\$10,151)
SEP Offset Amount:	Five Thousand Seventy-Five Dollars (\$5,075)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barber's Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide ("CO"), nitrogen oxides ("NO_x"), particulate matter ("PM"), and volatile organic compounds ("VOCs") emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Lubrizol Corporation
Agreed Order - Attachment A

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

The Lubrizol Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Sep-2014	Screening	26-Sep-2014	EPA Due	
	PCW	18-Dec-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	The Lubrizol Corporation
Reg. Ent. Ref. No.	RN100221589
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49408	No. of Violations	2
Docket No.	2014-1437-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$7,250
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Notes: Enhancement for seven NOVs with same/similar violations, five agreed orders with denial of liability, and two agreed orders without denial of liability. Reduction for two notices of intent to conduct an audit.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,812
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$301
Estimated Cost of Compliance: \$25,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,688
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,688
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,688
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,537
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,151
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Screening Date 26-Sep-2014

Docket No. 2014-1437-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 4 (April 2014)

Case ID No. 49408

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator David Carney

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 183%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with same/similar violations, five agreed orders with denial of liability, and two agreed orders without denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 183%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 26-Sep-2014

Docket No. 2014-1437-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 4 (April 2014)

Case ID No. 49408

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O2191, Special Terms and Conditions ("STC") No. 6, New Source Review ("NSR") Permit No. 22048, Special Conditions ("SC") No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted operating parameters. Specifically, on October 24, 2013, the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 121 minutes due to a plugged column; and on January 15, 2014 the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 11 minutes due to the loss of plant air caused by a failed compressor.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended for the two instances of non-compliance.

Good Faith Efforts to Comply

25.0%

Reduction \$875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance by January 20, 2014, prior to the Notice of Enforcement ("NOE") dated August 26, 2014.

Violation Subtotal \$2,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$301

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 49408
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	24-Oct-2013	20-Jan-2014	0.24	\$301	n/a	\$301

Notes for DELAYED costs

Estimated cost to remove the plug from the column, cleanse the packing, recharge the scrubber, repair the Poly Plant compressor, and place the compressor on a maintenance schedule. The Date Required is the initial date of non-compliance and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$301

Screening Date 26-Sep-2014

Docket No. 2014-1437-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 4 (April 2014)

Case ID No. 49408

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. 02191, STC No. 6,
NSR Permit No. 22048, SC No. 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted operating parameters. Specifically, on January 15, 2014, the exit temperature for the Thermal Oxidizer, Emissions Point Number FI-07, fell below the permitted limit of 1,609.15 degrees Fahrenheit for 11 minutes due to the loss of plant air caused by a failed compressor.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent came into compliance by January 20, 2014, prior to the NOE dated August 26, 2014.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
 Case ID No. 49408
 Reg. Ent. Reference No. RN100221589
 Media Air
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included in Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PENDING Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600269617, The Lubrizol Corporation

Classification: SATISFACTORY

Rating: 8.39

Regulated Entity:

RN100221589, Lubrizol Deer Park

Classification: SATISFACTORY

Rating: 11.22

Complexity Points:

48

Repeat Violator: NO

CH Group:

05 - Chemical Manufacturing

Location:

41 TIDAL ROAD, DEER PARK, TEXAS 77536-2439, HARRIS COUNTY

TCEQ Region:

REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1934

AIR OPERATING PERMITS PERMIT 1931

AIR OPERATING PERMITS PERMIT 1929

AIR OPERATING PERMITS PERMIT 1933

AIR OPERATING PERMITS PERMIT 2191

AIR OPERATING PERMITS PERMIT 1929

AIR OPERATING PERMITS PERMIT 1931

AIR OPERATING PERMITS PERMIT 1934

WASTEWATER EPA ID TX0007048

AIR NEW SOURCE PERMITS PERMIT 669

AIR NEW SOURCE PERMITS PERMIT 5847

AIR NEW SOURCE PERMITS REGISTRATION 10807

AIR NEW SOURCE PERMITS PERMIT 19804

AIR NEW SOURCE PERMITS PERMIT 22045

AIR NEW SOURCE PERMITS PERMIT 22048

AIR NEW SOURCE PERMITS PERMIT 22056

AIR NEW SOURCE PERMITS PERMIT 22095

AIR NEW SOURCE PERMITS REGISTRATION 39308

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0459J

AIR NEW SOURCE PERMITS PERMIT 71546

AIR NEW SOURCE PERMITS REGISTRATION 76823

AIR NEW SOURCE PERMITS REGISTRATION 83439

AIR NEW SOURCE PERMITS REGISTRATION 87415

AIR NEW SOURCE PERMITS REGISTRATION 95158

AIR NEW SOURCE PERMITS REGISTRATION 99055

AIR NEW SOURCE PERMITS REGISTRATION 98216

AIR NEW SOURCE PERMITS REGISTRATION 100611

AIR NEW SOURCE PERMITS REGISTRATION 100974

AIR NEW SOURCE PERMITS REGISTRATION 100728

AIR NEW SOURCE PERMITS REGISTRATION 102471

AIR NEW SOURCE PERMITS REGISTRATION 103657

AIR NEW SOURCE PERMITS REGISTRATION 101903

AIR NEW SOURCE PERMITS REGISTRATION 105124

AIR NEW SOURCE PERMITS REGISTRATION 103670

AIR NEW SOURCE PERMITS REGISTRATION 103656

AIR NEW SOURCE PERMITS REGISTRATION 103632

AIR NEW SOURCE PERMITS REGISTRATION 103667

AIR NEW SOURCE PERMITS REGISTRATION 109093

AIR NEW SOURCE PERMITS REGISTRATION 109591

AIR NEW SOURCE PERMITS REGISTRATION 105115

AIR NEW SOURCE PERMITS REGISTRATION 107272

AIR OPERATING PERMITS PERMIT 1932

AIR OPERATING PERMITS PERMIT 1930

AIR OPERATING PERMITS ACCOUNT NUMBER HG0459J

AIR OPERATING PERMITS PERMIT 1935

AIR OPERATING PERMITS PERMIT 1581

AIR OPERATING PERMITS PERMIT 1930

AIR OPERATING PERMITS PERMIT 1932

WASTEWATER PERMIT WQ0000639000

AIR NEW SOURCE PERMITS REGISTRATION 71099

AIR NEW SOURCE PERMITS PERMIT 2757

AIR NEW SOURCE PERMITS PERMIT 7577

AIR NEW SOURCE PERMITS REGISTRATION 14714

AIR NEW SOURCE PERMITS PERMIT 21933

AIR NEW SOURCE PERMITS PERMIT 22046

AIR NEW SOURCE PERMITS PERMIT 22055

AIR NEW SOURCE PERMITS PERMIT 22059

AIR NEW SOURCE PERMITS REGISTRATION 38145

AIR NEW SOURCE PERMITS REGISTRATION 49758

AIR NEW SOURCE PERMITS AFS NUM 4820100109

AIR NEW SOURCE PERMITS REGISTRATION 74835

AIR NEW SOURCE PERMITS REGISTRATION 47016

AIR NEW SOURCE PERMITS REGISTRATION 84324

AIR NEW SOURCE PERMITS REGISTRATION 93716

AIR NEW SOURCE PERMITS REGISTRATION 96850

AIR NEW SOURCE PERMITS REGISTRATION 100791

AIR NEW SOURCE PERMITS REGISTRATION 99086

AIR NEW SOURCE PERMITS REGISTRATION 100065

AIR NEW SOURCE PERMITS REGISTRATION 98328

AIR NEW SOURCE PERMITS REGISTRATION 98604

AIR NEW SOURCE PERMITS REGISTRATION 103671

AIR NEW SOURCE PERMITS REGISTRATION 103664

AIR NEW SOURCE PERMITS REGISTRATION 104672

AIR NEW SOURCE PERMITS REGISTRATION 103658

AIR NEW SOURCE PERMITS PERMIT 102761

AIR NEW SOURCE PERMITS REGISTRATION 103633

AIR NEW SOURCE PERMITS REGISTRATION 103473

AIR NEW SOURCE PERMITS REGISTRATION 106724

AIR NEW SOURCE PERMITS REGISTRATION 109687

AIR NEW SOURCE PERMITS REGISTRATION 105113

AIR NEW SOURCE PERMITS REGISTRATION 117479

AIR NEW SOURCE PERMITS REGISTRATION 119821

AIR NEW SOURCE PERMITS REGISTRATION 114750
AIR NEW SOURCE PERMITS REGISTRATION 105118
AIR NEW SOURCE PERMITS REGISTRATION 117842
AIR NEW SOURCE PERMITS REGISTRATION 82200

AIR NEW SOURCE PERMITS REGISTRATION 113086
AIR NEW SOURCE PERMITS REGISTRATION 122494
AIR NEW SOURCE PERMITS REGISTRATION 119210
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011526

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30324

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50077

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD041067638

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0459J

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30324

POLLUTION PREVENTION PLANNING ID NUMBER P00401

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: October 01, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 26, 2009 to September 26, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: David Carney

Phone: (512) 239-2583

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/26/2010 ADMINORDER 2009-2073-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.
- 2 Effective Date: 08/09/2010 ADMINORDER 2009-1605-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01933.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a complete deviation report for the emissions units in FOP No. O-01934.

- 3 Effective Date: 04/18/2011 ADMINORDER 2010-1468-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failed to submit the semi-annual deviation report within the required time frame. Specifically, the semi-annual deviation report for the Lubrizol Acid, 121, and Alcohol Recovery Units for the March 18, 2008 through September 17, 2008 period was due on October 17, 2008, but it was not submitted until April 16, 2009.
- 4 Effective Date: 07/02/2011 ADMINORDER 2010-2043-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: S.C. 9 E PERMIT
ST&C 5 OP
Description: Failed to submit stack test results for the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, within the required 60 days. Specifically, a stack test was conducted on May 31, 2007, and the results were not received until November 16, 2007 by the Houston Regional Office.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 7, 8 and 9C PERMIT
ST&C 5 OP
Description: Failed to demonstrate initial compliance for the destruction of H2S, VOC and SO2 in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, by the required deadline. The stack test conducted on 05/31/2007 did not include SO2 and the test data provided was determined to be invalid due to numerous errors. A 60 day extension to the 05/01/07 deadline was granted by the TCEQ, making the deadline to test by 06/30/07, but the initial demonstration of compliance was not completed until 08/28/08.
- 5 Effective Date: 08/13/2011 ADMINORDER 2011-0014-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limit's & Monitoring Req. No. 1 PERMIT
Description: Failure to comply with permit effluent limits for Outfall 001, as documented during a record review conducted on December 1, 2010.
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limitations and Monitoring Req2 PERMIT
Description: Failed to comply with permit effluent limit for pH minimum of 6.0 standard units for Outfall 005, as documented during a record review conducted on December 1, 2010.
- 6 Effective Date: 04/07/2013 ADMINORDER 2012-1110-AIR-E (1660 Order-Agreed Order With Denial)

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 5A PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit for the incinerator, EPN F1-06.

7

Effective Date: 12/19/2013 ADMINORDER 2013-0375-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: ST&C No. 1.A. OP

Description: The Respondent failed to maintain a flare operation log, in violation of FOP No. O1934, ST&C No. 1.A., 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 4 PERMIT
Special Terms & Conditions 7 OP
ST&C No. 1.A. OP

Description: The Respondent failed to sample and analyze the scrubbing liquid of Caustic Scrubber S-42 at least daily to determine the NaOH content, in violation of FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22060, Special Conditions ("SC") No. 4, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 1A OP

Description: The Respondent failed to conduct monthly LDAR monitoring of all applicable components in the SPP and MMB Additive Detergent Units, in violation of FOP No. O1934, ST&C No. 1.A., 40 CFR §§63.1025(b)(3)(i) and 63.1026(b)(1), 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 7 OP

Description: The Respondent failed to conduct quarterly LDAR monitoring of all applicable components in the MMB Additive Detergent Unit, in violation of FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: The Respondent failed to report all instances of deviations in semi-annual deviation reports, in violation of FOP No. O1934, General Terms and Conditions, 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 3(A)(iv)(4) OP

Description: The Respondent failed to conduct quarterly visible emissions observations no earlier than one hour after sunrise, in violation of FOP No. O1935, ST&C No. 3(A)(iv)(4), 30 TEX. ADMIN. CODE §122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(4)

30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 12A(i)(2) OP

Special Term and Condition 1A OP

Description: The Respondent failed to conduct a stack test of Hot Oil Heater POLY-H-1, in violation of Federal Operating Permit ("FOP") No. O1935, Special Terms and Conditions ("ST&C") Nos. 1.A. and 12.A.(i)(2), 30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.9020(2)(C)(i), and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 1A OP

Description: The Respondent failed to maintain complete delay of repair records, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR §60.486(c)(6), 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.356(3)(B)

30 TAC Chapter 115, SubChapter H 115.786(d)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 1A OP

Description: The Respondent failed to include a justification for each of the components on the difficult-to-monitor list, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR §60.486(f)(2), 30 TEX. ADMIN. CODE §§ 101.20(1), 115.356(3)(B), 115.786(d), and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT

Special Terms and Conditions 1A & 7 OP

Description: The Respondent failed to comply with the minimum net heating value requirement of 300 Btu/scfm for flares, in violation of FOP No. O1935, ST&C Nos. 1.A. and 7, NSRP No. 22056, SC No. 3, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(3)(ii), 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 13, 2009	(804927)
Item 2	November 18, 2009	(804928)
Item 3	December 21, 2009	(804929)
Item 4	May 07, 2010	(830981)
Item 5	May 24, 2010	(845064)
Item 6	June 18, 2010	(846300)
Item 7	July 15, 2010	(860891)
Item 8	July 28, 2010	(842913)
Item 9	August 19, 2010	(866865)
Item 10	September 20, 2010	(825297)
Item 11	September 28, 2010	(843160)
Item 12	November 08, 2010	(843682)
Item 13	November 17, 2010	(863666)
Item 14	January 18, 2011	(902335)
Item 15	February 10, 2011	(909120)

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

Item 16	February 22, 2011	(828683)
Item 17	March 04, 2011	(890937)
Item 18	March 08, 2011	(858194)
Item 19	March 17, 2011	(916373)
Item 20	March 31, 2011	(907420)
Item 21	April 12, 2011	(924863)
Item 22	April 29, 2011	(914916)
Item 23	May 12, 2011	(938058)
Item 24	May 17, 2011	(895141)
Item 25	June 08, 2011	(907778)
Item 26	June 09, 2011	(945426)
Item 27	July 01, 2011	(936401)
Item 28	July 26, 2011	(922542)
Item 29	July 27, 2011	(877674)
Item 30	August 17, 2011	(948980)
Item 31	August 19, 2011	(949342)
Item 32	August 29, 2011	(922659)
Item 33	September 12, 2011	(965372)
Item 34	September 17, 2011	(952382)
Item 35	September 20, 2011	(949909)
Item 36	October 03, 2011	(957967)
Item 37	October 17, 2011	(971411)
Item 38	December 09, 2011	(957652)
Item 39	December 12, 2011	(984338)
Item 40	January 16, 2012	(990636)
Item 41	February 13, 2012	(997997)
Item 42	February 23, 2012	(988310)
Item 43	March 12, 2012	(1003524)
Item 44	April 11, 2012	(1010089)
Item 45	May 14, 2012	(1016480)
Item 46	May 25, 2012	(1006397)
Item 47	June 12, 2012	(1024202)
Item 48	July 12, 2012	(1031595)
Item 49	July 25, 2012	(1008184)
Item 50	August 01, 2012	(1008475)
Item 51	August 09, 2012	(1037972)
Item 52	September 11, 2012	(1046706)
Item 53	October 08, 2012	(1060982)
Item 54	October 26, 2012	(996347)
Item 55	November 15, 2012	(1060983)
Item 56	November 27, 2012	(1035349)
Item 57	December 17, 2012	(1060984)
Item 58	January 14, 2013	(1079030)
Item 59	February 11, 2013	(1079029)
Item 60	March 18, 2013	(1089339)
Item 61	April 15, 2013	(1095732)
Item 62	May 13, 2013	(1106657)
Item 63	May 16, 2013	(1088787)
Item 64	June 12, 2013	(1110332)
Item 65	July 02, 2013	(1094113)
Item 66	July 17, 2013	(1117217)
Item 67	August 13, 2013	(1124972)
Item 68	September 12, 2013	(1129571)
Item 69	October 14, 2013	(1135303)
Item 70	November 14, 2013	(1140701)
Item 71	December 11, 2013	(1147160)
Item 72	January 02, 2014	(1134748)
Item 73	January 10, 2014	(1143541)
Item 74	January 13, 2014	(1153229)
Item 75	February 17, 2014	(1160564)

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

Item 76	March 04, 2014	(1144364)
Item 77	April 17, 2014	(1174342)
Item 78	May 20, 2014	(1180530)
Item 79	June 05, 2014	(1152560)
Item 80	June 19, 2014	(1187428)
Item 81	August 19, 2014	(1178213)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/22/2013	(1116394)	CN600269617
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i) 5C THSC Chapter 382 382.085(b) Special Condition 11F PERMIT Special Term and Condition 7 OP		
	Description:	Failure to conduct fugitive monitoring of 40 valves. [Category C1 violation]		
	Self Report?	NO		Classification: Minor
	Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1) 5C THSC Chapter 382 382.085(b)		
	Description:	Failure to conduct fugitive monitoring of one pump [Category C1 violation]		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a) 5C THSC Chapter 382 382.085(b) Special Condition 11H PERMIT Special Term and Condition 7 OP		
	Description:	Failure to repair a leaking valve within 15 days of discovering the leak [Category C4 violation]		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4 PERMIT Special Term and Condition 7 OP		
	Description:	Failure to test the scrubbing solution in the caustic scrubber S-42 [Category C1 violation]		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 3 PERMIT Special Term and Condition 7 OP		
	Description:	Failure to prevent visible emissions from the incinerator FI-03 [Category C4 violation]		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 7 PERMIT Special Term and Condition 7 OP		
	Description:	Failure to maintain the oxygen concentration in the incinerator above 3% [Category C4 violation]		
2	Date:	05/30/2014	(1152630)	CN600269617
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1) 5C THSC Chapter 382 382.085(b) ST&C 1A OP		
	Description:	Failure to perform monthly monitoring of a pump. Sub-category: C1.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.767(1) 30 TAC Chapter 122, SubChapter B 122.143(4)		

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure of cooling tower heat exchange systems to maintain appropriate differential pressure. Sub-category: C4.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6B PERMIT

Description: Failure to maintain a continuous flare pilot flame. Sub-category: C4.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C OP

Description: Failure to include all instances of deviation in the deviation report dated May 23, 2013. Sub-category: C3.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
ST&C 8 OP

Description: Failure to maintain minimum liquid flow rate to the scrubber. Sub-category: C4.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.358(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
ST&C H(v) OP

Description: Failure to utilize the required emission quantifications for NOx. Sub-category: C3.

3

Date: 07/24/2014 (1172381) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-1932 ST&C 6 PERMIT
NSR 22046 SC#20A PERMIT

Description: Failure to maintain 156 Flare NHV above minimum net heating value.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01932 ST&C 6 PERMIT
NSR Permit 22046 SC#19A PERMIT

Description: Failure to maintain FI-06 above the minimum operating temperature.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01932 ST&C6 PERMIT
NSR Permit 22046 SC#12 PERMIT

Description: Failure to change S-03 scrubber solution at least weekly.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C #6 PERMIT
NSR Permit #3921 SC - 3A PERMIT

Description: Failure to maintain scrubber S-49 pH at 8.0.

4

Date: 08/04/2014 (1172227) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SPECIAL CONDITION 4 PERMIT
SPECIAL TERMS AND CONDITIONS 9 PERMIT

Description: Failure to maintain liquid flow rate through scrubber S-53 above permitted limit on May 28, 2013, November 15, 2013, December 28, 2013, and March 24, 2014 (Category C4).

- 5 Date: 08/25/2014 (1172107) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Terms and Conditions 6 OP
NSR Special Condition 1 PERMIT
Description: Failure to prevent exceeding the Process Heater (EPN: 3MT) and Process Heater (EPN: 5MT) permitted CO emission limits.
Category B13
- 6 Date: 08/26/2014 (1172337) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 3A PERMIT
SC 5 PERMIT
ST&C 1A OP
ST&C 8 OP
Description: Failure to maintain 121 Flare's (EPN 15) net heating value (NHV) above 300 Btu/scf.
(Category C4)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 4A PERMIT
ST&C 8 OP
Description: Failure to conduct scrubber solution sampling and to maintain the Na2S concentration below 3% at the HA-10 Scrubber. (Category C1).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GT&C 2F OP
Description: Failure to report all instances of deviations (Category C3)
- 7 Date: 09/16/2014 (1191994) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
ST&C 8 OP
Description: Failure to meet the permitted CO emission limitations of the Process Heater HO-15.
Sub-category: B3.

F. Environmental audits:

Notice of Intent Date: 02/04/2010 (826428)

No DOV Associated

Notice of Intent Date: 03/04/2013 (1074605)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

Pending Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 26, 2009, through September 26, 2014.

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LUBRIZOL CORPORATION
RN100221589**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1437-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Lubrizol Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 31, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Six Hundred Eighty-Eight Dollars (\$12,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Seventy-Six Dollars (\$5,076) of the administrative penalty and Two Thousand Five Hundred Thirty-

Seven Dollars (\$2,537) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Seventy-Five Dollars (\$5,075) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by January 20, 2014, the Respondent removed the plug from the column, cleansed the packing, recharged the scrubber, repaired the Poly Plant compressor, and placed the compressor on a maintenance schedule.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with permitted operating parameters, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. 02191, Special Terms and Conditions ("STC") No. 6, New Source Review ("NSR") Permit No. 22048, Special Conditions ("SC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 11, 2014. Specifically, on October 24, 2013, the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 121 minutes due to a plugged column; and on January 15, 2014 the liquid flow rate for the Caustic Scrubber, Unit ID No. S-BL-4, fell below the permitted limit of 203.2 pounds per minute for 11 minutes due to the loss of plant air caused by a failed compressor.
2. Failed to comply with permitted operating parameters, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 02191, STC No. 6, NSR Permit No. 22048, SC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record

review conducted on June 11, 2014. Specifically, on January 15, 2014, the exit temperature for the Thermal Oxidizer, Emissions Point Number FI-07, fell below the permitted limit of 1,609.15 degrees Fahrenheit for 11 minutes due to the loss of plant air caused by a failed compressor.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Lubrizol Corporation, Docket No. 2014-1437-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Seventy-Five Dollars (\$5,075) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramona J.
For the Executive Director

4/7/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Tanya M. Travis
Signature

Jan. 27, 2015
Date

TANYA M. TRAVIS
Name (Printed or typed)
Authorized Representative of
The Lubrizol Corporation

GENERAL MGR.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2014-1437-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Ten Thousand One Hundred Fifty-One Dollars (\$10,151)
SEP Offset Amount:	Five Thousand Seventy-Five Dollars (\$5,075)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barber's Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide ("CO"), nitrogen oxides ("NO_x"), particulate matter ("PM"), and volatile organic compounds ("VOCs") emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Lubrizol Corporation
Agreed Order - Attachment A

All dollars contributed will be used for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

The Lubrizol Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

The Lubrizol Corporation
Agreed Order - Attachment A

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.